

# House File 2398 - Reprinted

HOUSE FILE 2398  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 656)

(As Amended and Passed by the House March 2, 2022)

## A BILL FOR

1 An Act relating to certain specified employees of school  
2 districts, accredited nonpublic schools, and charter  
3 schools, including renewal requirements associated with  
4 licenses issued by the board of educational examiners  
5 to practitioners with master's or doctoral degrees, fees  
6 associated with the review of certain specified records,  
7 and background checks for employees of school districts,  
8 accredited nonpublic schools, and charter schools.  
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256E.7, subsection 1, Code 2022, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *0i.* Be subject to and comply with sections  
4 279.13 and 279.69 relating to state criminal history checks for  
5 teachers and registry checks for school employees in the same  
6 manner as a school district.

7 Sec. 2. Section 272.2, subsection 1, paragraph a, Code 2022,  
8 is amended to read as follows:

9 a. License practitioners, which includes the authority to  
10 ~~establish~~ do all of the following:

11 (1) Establish criteria for the licenses; ~~establish.~~

12 (2) Establish issuance and renewal requirements, provided  
13 that a continuing education requirement may be completed  
14 by electronic means; ~~create,~~ and there shall be no renewal  
15 requirement for a practitioner who has been employed as  
16 a practitioner for at least ten years and who possesses a  
17 master's or doctoral degree, unless the practitioner holds an  
18 evaluator approval endorsement, which must be renewed at least  
19 once every ten years.

20 (3) Create application and renewal forms; ~~create.~~

21 (4) Create licenses that authorize different instructional  
22 functions or specialties; ~~develop.~~

23 (5) Develop a code of professional rights and  
24 responsibilities, practices, and ethics, which shall, among  
25 other things, address ~~the~~ all of the following:

26 (a) The failure of a practitioner to fulfill contractual  
27 obligations under section 279.13, ~~the.~~

28 (b) The failure of an administrator to protect the safety of  
29 staff and students; ~~the.~~

30 (c) The failure of an administrator to meet mandatory  
31 reporter obligations; ~~the.~~

32 (d) The refusal of a practitioner to implement provisions of  
33 an individualized education program or behavioral intervention  
34 plan; ~~and habitual.~~

35 (e) Habitual nonparticipation in professional development;

1 ~~and develop.~~

2     (f) The development of any other classifications,  
3 distinctions, and procedures which may be necessary to exercise  
4 licensing duties. In addressing the failure of a practitioner  
5 to fulfill contractual obligations, the board shall consider  
6 factors beyond the practitioner's control.

7     Sec. 3. Section 272.2, subsection 17, Code 2022, is amended  
8 to read as follows:

9     17. Adopt rules to require that a background investigation  
10 be conducted by the division of criminal investigation of the  
11 department of public safety on all initial applicants for  
12 licensure. The board shall also require all initial applicants  
13 to submit a completed fingerprint packet and shall use the  
14 packet to facilitate a national criminal history background  
15 check. The board shall have access to, and shall review  
16 the sex offender registry information under [section 692A.121](#)  
17 available to the general public, information in the Iowa court  
18 information system available to the general public, the central  
19 registry for child abuse information established under chapter  
20 235A, and the dependent adult abuse records maintained under  
21 chapter 235B for information regarding applicants for license  
22 renewal and, every five years, for practitioners who are not  
23 subject to renewal requirements pursuant to subsection 1,  
24 paragraph "a", subparagraph (2). The board may charge such  
25 a practitioner who is not subject to renewal requirements a  
26 reasonable fee for the review of the sex offender registry  
27 information, information in the Iowa court information system,  
28 the central registry for child abuse information, and the  
29 dependent adult abuse records.

30     Sec. 4. Section 272.7, subsection 1, Code 2022, is amended  
31 to read as follows:

32     1. A license issued under board authority is valid  
33 for the period of time for which it is issued, unless the  
34 license is suspended or revoked. No Except as provided in  
35 section 272.2, subsection 1, paragraph "a", subparagraph (2),

1 permanent licenses shall not be issued. A person employed as  
2 a practitioner shall hold a valid license with an endorsement  
3 for the type of service for which the person is employed.  
4 This section does not limit the duties or powers of a school  
5 board to select or discharge practitioners or to terminate  
6 practitioners' contracts. A professional development program,  
7 except for a program offered by a practitioner preparation  
8 institution or area education agency and approved by the state  
9 board of education, must possess a valid license for the types  
10 of programs offered.

11 Sec. 5. Section 279.13, subsection 1, paragraph b,  
12 subparagraphs (1) and (2), Code 2022, are amended to read as  
13 follows:

14 (1) Prior to entering into an initial contract with a  
15 teacher who holds a license other than an initial license  
16 issued by the board of educational examiners under chapter  
17 272, the school district or accredited nonpublic school  
18 shall initiate a state criminal history record check of the  
19 applicant through the division of criminal investigation  
20 of the department of public safety, submit the applicant's  
21 fingerprints to the division for submission to the federal  
22 bureau of investigation for a national criminal history record  
23 check, and review the sex offender registry information under  
24 section 692A.121 available to the general public, the central  
25 registry for child abuse information established under section  
26 235A.14, and the central registry for dependent adult abuse  
27 information established under [section 235B.5](#) for information  
28 regarding the applicant for employment as a teacher.

29 (2) The school district or accredited nonpublic school  
30 may charge the applicant a fee not to exceed the actual cost  
31 charged the school district or accredited nonpublic school for  
32 the state and national criminal history checks and registry  
33 checks conducted pursuant to subparagraph (1).

34 Sec. 6. Section 279.69, Code 2022, is amended to read as  
35 follows:

1     **279.69 School employees — background investigations.**

2     1. Prior to hiring an applicant for a school employee  
 3 position, a school district or accredited nonpublic school  
 4 shall have access to and shall review the information in the  
 5 Iowa court information system available to the general public,  
 6 the sex offender registry information under [section 692A.121](#)  
 7 available to the general public, the central registry for  
 8 child abuse information established under [section 235A.14](#), and  
 9 the central registry for dependent adult abuse information  
 10 established under [section 235B.5](#) for information regarding the  
 11 applicant. A school district shall follow the same procedure  
 12 by June 30, 2014, for each school employee employed by the  
 13 school district as of July 1, 2013. A school district or  
 14 accredited nonpublic school shall implement a consistent  
 15 policy to follow the same procedure for each school employee  
 16 employed by the school district or accredited nonpublic school  
 17 on or after July 1, 2013, at least every five years after the  
 18 school employee's initial date of hire. A school district or  
 19 accredited nonpublic school shall not charge an employee for  
 20 the cost of the registry checks conducted pursuant to this  
 21 subsection. A school district or accredited nonpublic school  
 22 shall maintain documentation demonstrating compliance with this  
 23 subsection.

24     2. Being listed in the sex offender registry established  
 25 under [chapter 692A](#), the central registry for child abuse  
 26 information established under [section 235A.14](#), or the central  
 27 registry for dependent adult abuse information established  
 28 under [section 235B.5](#) shall constitute grounds for the immediate  
 29 suspension from duties of a school employee, pending a  
 30 termination hearing by the board of directors of a school  
 31 district or the authorities in charge of an accredited  
 32 nonpublic school. A termination hearing conducted pursuant to  
 33 this subsection shall be limited to the question of whether the  
 34 school employee was incorrectly listed in the registry.

35     3. For purposes of [this section](#), "*school employee*" means

1 an individual employed by a school district or an accredited  
2 nonpublic school, as applicable, including a part-time,  
3 substitute, or contract employee. "*School employee*" does not  
4 include an individual subject to a background investigation  
5 pursuant to [section 272.2, subsection 17](#), section 279.13,  
6 subsection 1, paragraph "b", or [section 321.375, subsection 2](#).